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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 11-00005 LHK
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING DATE
13 vs.)	
)	
14 LEONARDO GARZA,)	
)	
15 Defendant.)	
)	

17 **STIPULATION**

18 Defendant Leonardo Garza, by and through Assistant Federal Public Defender Heather R.
19 Rogers, and the United States, by and through Assistant United States Attorney Jeffrey Schenk
20 hereby stipulate that, with the Court's approval, the status hearing currently set for February 15,
21 2012, at 10:00 a.m., before the Honorable Lucy H. Koh, shall be continued to March 14, 2012, at
22 10:00 a.m.

23 The reason for the requested continuance is that defense counsel recently took over the
24 case, and requires additional time to effectively prepare—in particular, to review discovery,
25 research legal issues, consult with Mr. Garza, and negotiate a proposed settlement. The parties
26 therefore respectfully request a continuance to March 14, 2012, at 10:00 a.m.

1 The parties agree that the time between February 15, 2012, and March 14, 2012, may be
2 excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
3 preparation of counsel.

4
5 Dated: February 13, 2012

6 /s/
HEATHER ROGERS
Assistant Federal Public Defender

7
8 Dated: February 13, 2012

9 /s/
JEFFREY SCHENK
Assistant United States Attorney

10
11 **~~PROPOSED~~ ORDER**

12 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY
13 ORDERED that the hearing currently set for February 15, 2012, at 10:00 a.m., before the
14 Honorable Lucy H. Koh, shall be continued to March 14, 2012, at 10:00 a.m.

15 THE COURT FINDS that failing to exclude the time between February 15, 2012, and
16 March 14, 2012, would unreasonably deny counsel for the defendant reasonable time necessary
17 for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. §§
18 3161(h)(7)(B)(iv).

19 THE COURT FINDS that the ends of justice served by excluding the time between
20 February 15, 2012, and March 14, 2012, from computation under the Speedy Trial Act outweigh
21 the interests of the public and the defendant in a speedy trial.

22 THEREFORE, IT IS HEREBY ORDERED that the time between February 15, 2012, and
23 March 14, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
24 3161(h)(7)(A) and (B)(iv).

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IT IS SO ORDERED.

Dated: 2/14/12



HON. LUCY H. KOH
United States Magistrate Judge